

## SPECIAL POINTS OF INTEREST:

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## PRESIDENT'S CORNER BY:

Glenn Waguespack

When a group of speech-language pathology and audiology regulators met in New Orleans in 1984 to discuss the formation of the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology (NCSB), they held the belief that all states should have provisions in place to regulate the professions of speech-language pathology and audiology. At that time all

states had professional associations that regulated the professionals, but protection of the public was not nationally regulated. In early 1984, 34 states had regulation in place for speech-language pathology, audiology, or both. Some states were in the process of enacting legislation, while others had not yet begun the process.

With the formation of NCSB came the development of a mission statement that included a provision to facilitate communication among licensure boards. Inherent in that mission was the idea of providing assistance to states seeking regulation of speech-language pathology and audiology, particularly in fulfilling statutory, professional, and ethical obligations. States have utilized information provided by NCSB, as well as legislation from other states, to convince their state legislatures of the need to adopt statutory authority that would serve to protect consumers of speech, language, and hearing services. For many states it has been a difficult battle, but as of the end of 2012, all 50 states and the District of Columbia have provisions in place to regulate the professions of speech-language pathology and audiology through either licensure or certification.

The creation of public protection in all 50 states and the District of Columbia has been a long-time coming, and NCSB is proud of the professionals who fought so hard to ensure the protection of consumers in their state. While NCSB may no longer have to provide assistance to states seeking licensure, it will continue its mission to facilitate communication among state licensure boards. Emerging issues, such as encroachment, telepractice, regulation of support personnel, exemption-free licensure, and scope of practice issues, are all topics that will come before regulatory boards, and NCSB hopes to be able to provide assistance to boards needing information and guidance on these and other issues. Because of governmental differences and state department mandates from state to state, the concept of a universal license across the country is probably not feasible; however, there are many areas of commonality across states, and these areas will become a driving force for boards considering legislative changes.

NCSB held its 25<sup>th</sup> annual conference in Williamsburg, Virginia, in October 2012 (see details of the conference elsewhere in this publication), and that conference focused on the topic of ethics by offering perspectives on ethics from a number of state boards and from nationally recognized ethics experts. The Board Training, held the day before the conference, has become an annual event and included exercises in ethical decision making, a presentation by a board attorney on statutory authority, and a mock disciplinary hearing. The 2013 conference is in the planning stages and will be held in San Antonio from October 10-12. Flyers announcing the program will be mailed this summer, and updates will be provided on the web site at [www.ncsb.info](http://www.ncsb.info).

Renewal notices for state board membership and individual membership in NCSB have been sent to all licensure boards and to individuals who held membership in the past. Please ensure that your state licensure board has seen the announcement,

and request that they become a member board of NCSB. In addition to the networking among state boards and the exchange of information, NCSB provides two newsletters a year, a directory of state boards, and reduced conference rates. These economic times have necessitated cutbacks for many regulatory boards, but it is hoped that membership in NCSB is not one of the cost-saving measures chosen by your board. If you have questions concerning the organization or its mission, please contact me at [audmath1@aol.com](mailto:audmath1@aol.com). Additionally, if you have ideas for speakers or topics at the annual conference in October, send that information to me as well. Thank you for your consideration of membership in NCSB, and we hope to see you in San Antonio in October.

## 26TH ANNUAL CONFERENCE SAN ANTONIO

The 26th annual NCSB Conference will be held in San Antonio Texas at the historic Menger Hotel, from October 10-12, 2013. The NCSB Board of Directors will meet at the end of March to finalize the program, and a flyer announcing the program will be sent in early summer. The official registration form will be mailed in late summer.

Thus far conference topics tentatively include:

- ◇ issues arising through the use of inappropriate use of social media
- ◇ temporary licenses, how long is “temporary”
- ◇ military license...issues of individuals who are military trained or who are stationed within a state for a short amount of time
- ◇ assistants and code of ethics
- ◇ encroachment from various professionals
- ◇ reinstatement after an individual “retired”.. what should or should not be required
- ◇ photo IDs being required with applications...Georgia is now requiring for licensure in a variety of professional areas
- ◇ telepractice
- ◇ support personnel

If there are other topics that might be of interest to licensees, please email your suggestions to one of the Board Members prior to March 15. Once the program has been finalized, the content will be posted on the web site, and flyers with details will be mailed. Information regarding the conference hotel is included elsewhere in this publication. The conference is designed to provide valuable information for board members, board administrators, board attorneys, and all others involved in the regulatory process. Please make the information available to the appropriate individuals and make plans to attend.

## 2012 FALL CONFERENCE SYNOPSIS

Bupp - Keynote

Heather Bupp, Esq the ASHA Director of Ethics presented the keynote centered on, “*Professional Ethics: A contemporary look at Age-old Issues.*” She discussed aspects of consideration when complying with multiple professional standards. Professional organizations and credentialing bodies in audiology typically require a commitment to follow their professional code(s) as a requirement for maintaining membership or credentials. Some practitioners know about the ASHA Code of Ethics while others are familiar with their state board of examiners' code of conduct or ethics; it is important for all practitioners to be well versed with both sources of professional obligations. Ms. Bupp discussed civil legal issues as distinguished from professional ethics issues such as; not every practice mistake rises to the level of an ethics code violation, but could be medical malpractice; and pattern of repeated mistakes indicates, at minimum, a violation of the Principle I ethical requirement to provide all services.

Ms. Bupp also examined four common areas of ethical discourse in each code of ethics or conduct rules

1. independent professional judgment or prescription,
2. guarantee of results,
3. holding patients' welfare paramount, and
4. The use of every resource, including referral.

Brian Riordan and Carol Bock presented on Ethical considerations in the age of social media.

Social media was defined as to its form and function. Eighty-six percent of Canadians have a Facebook profile and Eighty-two percent of US residence place high levels of trust in information from media sites. The authors discussed scenarios of social media use and their implications for legal and ethical violations. Guidelines of note for the use of communication styles were

noted as the following;

- ◇ Use professional and appropriate terminology
- ◇ Face-to-face interaction or voice-to-voice interaction is superior in most circumstances
- ◇ Recognize and avoid conflict of interest
- ◇ Monitor web presence

As a parting thought the authors noted that one should not say anything online that you wouldn't want plastered on a billboard with your face on it.

## IN MEMORIAM - VIRGINIA SWITZER BERRY

On Oct. 15, 2012 the Council lost a dear friend and colleague. Virginia passed away in Hattiesburg, She was a Board member of the NCSB for years and held every office in the organization, including President 2011-2012. Her tireless efforts in the Council have made us a better organization. Virginia was an associate professor of audiology in the speech and hearing sciences department at the University of Southern Mississippi for the past 20 years. She was a mentor to hundreds of students during that time. She also was a member of several professional organizations, including ASHA, and was named an ASHA Fellow in 2010. Berry is survived by her friend, Bobbie Simon, and two godsons, Daniel and Jeffrey Simon.

## IN RECOGNITION - KEN GIST

The Council Board would like to publically thank Ken Gist for his years of service on the NCSN Board. Ken was, and is, our historian. His years of service to our organization has assisted us tremendously in the progress of the Council and its Mission. Ken's service on the Board will be missed but he will remain a great friend to us all.

## HIGHLIGHTS FROM STATE BOARDS ANNUAL EXCHANGE AT NCSB 2012 MEETING

### *State Information Exchange: Lessons Learned*

This session presented results of a survey conducted by NCSB to identify trends, challenges, and successes experienced by state boards across the country. The survey was conducted via Survey Monkey, with the link distributed to all boards (not just limited to NCSB member boards). Results from 19 different states were reviewed.

1. Economic trends: most frequent impact of economic budgetary factors on board operations were in the areas of travel restrictions (both in-state and out-of-state), delays in filling board vacancies, and delays in filling staff positions.
2. Regulatory changes: Boards reported activity in many areas of regulatory change, most frequently in telepractice (N=12), assistants (N=11), and continuing education (N=11). Work to initiate background checks of licenses was discontinued by one state. Note: regulatory characteristics have been updated and disseminated to participants in the pre-conference.
3. States reported stable relationships with communication and related professions. Some improvements were noted with the state department of education/public instruction (N=6), hearing aid dispensers (N=4), the state association primarily comprised of speech-language pathologists (N=5), and the state audiology association (N=3). Some states reported movements to consolidate boards (e.g. adding hearing aid dispensers to the speech and hearing board) or separate the boards (e.g. make audiology a separate board). Transparency and outreach resulted in good working relationships. While licensure of behavior analysts was not seen as an emerging issue (e.g. encroachment), music therapists may be seeking licensure may be more problematic in the future.

Boards continue to increase the utilization of online tools for renewals, newsletters, and initial applications; increased use of telecommunication for board meetings was reported. States also noted the following: concern regarding internet hearing aid sales; increases in the number of complaints and violations; and the need for increased attention to the performance of SLPAs and the supervision of SLPAs.

### *States with Telepractice Regulations*

**Alabama** – Any practitioner who does not qualify for an exemption must hold an Alabama license. This shall be required for all individuals providing services to consumers in Alabama via in-office practice as well as telepractice or any other electronic means.

**California** – Telehealth is viewed as a mode of delivery of health care services, not a separate form of practice. There are no legal prohibitions to using technology in the practice of speech-language pathology, audiology or hearing aid dispensing as long as the practice is done by a California licensed practitioner. Practitioners need not reside in California, as long as they have a valid, current California license.

**Delaware** – State Code of Ethics provision states that: licensees shall not evaluate or treat a client with speech, language, or hearing disorders solely by correspondence. Correspondence includes telecommunication.

**District of Columbia** – It is a violation of the regulations if an audiologist or speech-language pathologist provides services in DC without a DC license, regardless of whether the professional providing services is physically located in the District of Columbia or another jurisdiction. The policy does not address persons who are located in DC but who are providing services outside of the District.

**Georgia** – Any person in the state or physically located in another state or country who, using telecommunications and information technologies through which speech-language pathology information and auditory-vestibular system information is transmitted, is considered to be engaged in the practice of speech-language pathology or audiology in the state and as such must have a full state license and shall be subject to the regulation of the board.

**Iowa** – Provision of speech-language pathology and audiology services through telephonic, electronic or other means, regardless of the location of the SLP or audiologist, shall constitute the practice of speech-language pathology or audiology and shall require Iowa licensure.

**Kentucky** – 2007 Revised Statute establishes provisions for telehealth (including informed consent, confidentiality and other aspects of consumer protection) and defines it as “use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.”

**Louisiana** – Ethical prescription which allows telepractice provided appropriate licensure is held for the jurisdiction in which the service is rendered and delivered.

**Maine** – Indirect supervision is defined to include demonstration, record review, review and evaluation of audio or videotaped session, interactive television and supervisory conferences that may be conducted by phone. CE may include courses to enhance the efficacy of telepractice.

**Maryland** – Telehealth means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of health care to an individual from a provider through hardwire or Internet connection.

**North Carolina** – (a) Licensees may evaluate and treat patients receiving clinical services in North Carolina by utilizing telepractice. Telepractice means the use of telecommunications and information technologies for the exchange of encrypted patient data, obtained through real-time interaction, from one site to another for the provision of speech and language pathology and audiology services to patients through hardwire or internet connection. (b) Telepractice shall be obtained in real time and in a manner sufficient to ensure patient confidentiality. (c) Telepractice is subject to the same standard of practice as if the person being treated were physically present with the licensee. Telepractice is the responsibility of the licensee and shall not be delegated. (d) Licensees and staff involved in telepractice must be trained in the use of telepractice equipment.

**Ohio** – Licensees may practice via telecommunication within the state where not prohibited by law.

**Oklahoma** – Statute (revised) requires licensure for audiology and speech-language pathology services delivered in the state through telephonic, electronic, or other means, regardless of the location of the practitioner. Also within (Rules 680:15-1-4) ethical proscriptions: Licensees must not provide clinical services except in a professional relationship. They must not evaluate or treat solely by correspondence or telepractice. This does not preclude follow-up correspondence with persons previously seen, or providing them with general information of an educational nature.

**South Dakota** – Any person who is licensed as a speech-language pathologist in South Dakota may provide speech-language pathology services via telepractice. Services delivered via telespeech shall be equivalent to the quality of services delivered face-to-face.

**Texas** – A provider shall comply with the Board’s Code of Ethics and Scope of Practice requirements when providing telehealth services. Telehealth services may not be provided by correspondence only, although they may be adjuncts to telepractice. A provider of telehealth services who practices in Texas shall be licensed by the board.

### **ASHA MERITORIOUS POSTER AWARD to the NSCB AGAIN !!**

The 2012 ASHA poster received a special recognition by the Program Committee. The ASHA Convention Program Committee initiated a recognition category for posters judged to be exceptional at the 2011 American Speech-Language-Hearing Association’s annual meeting. NCSB has received this honor two years in a row. We have a streak going!! Recipients of this recognition received the highest ratings from topic committee reviewers, across the rating categories of professional education submissions and research submissions. Each Topic Area Committee has the option of recommending one to two posters for this special, “Topic Coordinator Choice Poster Award” recognition. These posters are noted in the convention program with a ribbon icon and identified with a ribbon when displayed during their presentation.

Special thanks goes to Theresa Rodgers and Glenn Waguespack for their hard work on this presentation.

### **THERESA RODGERS RECEIVES HONORS OF THE NCSB**

Theresa Rodgers was recognized for her contributions to regulation and to her profession on the state and on the national level. Her work on behalf of her colleagues and on behalf of consumers has been evident through her leadership role in the state professional association, the national professional association, and the state and national licensure boards. Specifically, her service to her state licensure board and her many years of dedication and service to NCSB and to regulation exemplify the qualities associated with NCSB Honors of the Association.



### **NEWLY ELECTED BOARD MEMBERS**

**Nahale Kalfas** – Nahale Freeland Kalfas, JD, has served as attorney for the North Carolina Speech and Language Pathology and Audiology Board for seven years where she has been responsible for prosecutorial hearings, settlements, rulemaking and legislative matters, as well as civil injunctions. She is a Federation of Associations of Regulatory Boards certified attorney who received her J.D. from Duke University School of Law in 1997. She practiced civil litigation and corporate law until she found her passion in the area of administrative law with the NCSLPA board. Nahale is married to Nondas Kalfas and has two daughters, Ralitsa (15) and Lana (11), and enjoys service to her community on multiple non-profit boards.

**Alison Lemke** – Alison Lemke is a speech pathologist in the Department of Communication Sciences and Disorders at the University of Iowa. She works as a Specialized Care Coordinator and Clinical Supervisor at the university speech and hearing clinic. Prior to working at the university, Alison worked for more than twenty years in rural Iowa settings, including in hospitals and private practice. She earned her Bachelor’s Degree in Communication Disorders from Valparaiso University in 1983, her Master’s Degree in Speech Pathology from the University of Iowa in 1985, and a Master’s Degree in Public Administration from

Drake University in 2009.

Alison has served in numerous professional volunteer capacities over the years. She is currently a member of the Iowa Board of Speech Pathology and Audiology Examiners, and served a first term on that board from 2001-2002. She is a past president of the Iowa Speech and Hearing Association, 2003-2004, and a past member of the ASHA Board of Directors, 2008-2010.

**Kerri Phillips** – Kerri R. Phillips holds the SLP.D. in speech-language pathology from Nova Southeastern University. She is an Associate Professor and Coordinator for Graduate Program in Speech-Language Pathology at Louisiana Tech University. Her research interests are ethics, supervision, outcomes data, and child language. She currently serves as Editor for ASHA Division 11: Administration and Supervision; SLP Advisory Council Member for Louisiana; and, Vice-Chair of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

## NCSB 2013 BOARD TRAINING & CONFERENCE

### 2012 - 2013 BOARD OF DIRECTORS

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#### **DID YOU KNOW...**

NCSB membership includes access to the Members Only section of the website, <http://www.ncsb.info>. Visit the website to login, or contact the NCSB Business Office for assistance.

#### **CONTACT NCSB**

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**Board Training & Conference Dates:** Thursday, October 10, 2013 thru Sat, October 12, 2012.

The Hotel: Menger Hotel, San Antonio, Texas

**Location:** 204 Alamo Plaza, San Antonio, TX 78205. Ph: 210-223-4361

Located in central San Antonio, The Menger Hotel is within walking distance of The Alamo, Henry B. Gonzalez Convention Center, and River Walk. Additional points of interest include San Antonio Central Library and Rivercenter Mall.

**Hotel Features:** The Menger Hotel's restaurant serves breakfast, lunch, and dinner. A bar/lounge is open for drinks. Room service is available during limited hours. Recreational amenities include an outdoor pool, a spa tub, a sauna, and a fitness facility. The property's full-service health spa has massage/treatment rooms. This 3.5-star property has a business center and offers business services. Complimentary wireless Internet access is available in public areas. This Victorian property includes a multilingual staff, gift shops/newsstands, and ATM/banking services. This is a smoke-free property.

**Guestrooms:** 316 air-conditioned guestrooms at The Menger Hotel feature ceiling fans and hair dryers. Wired high-speed Internet access is complimentary. Guestrooms offer desks. Televisions have premium cable channels, video-game consoles, and pay movies. Also included are irons/ironing boards and clock radios.

**Room Rates:** \$110 Single/double/triple/quad

Group rates will be honored 3 days before and 3 days after the dates of the workshop and conference based on availability.

**Reservations:** Deadline to make reservations is Saturday, Sept. 7, 2013. You are encouraged to make your room reservations early. Call (210) 223-4361 or 1-800-345-1328. You must identify yourself as being with the NCSB group in order to receive the group rate. Reservations also may be made online. Reservations cancelled after 48 hours prior to arrival will be assessed one night's room and tax. Please note that if you leave earlier than your scheduled departure date when you are in-house at the hotel, there will be a charge of \$75 early departure fee.

**Check-in time:** 3:00 pm

**Parking:** 2012 parking rates are \$25.00 Valet plus 8.125% tax. There are various city lots around the hotel from \$6.00 to \$20.00 a day.

**Ground Transportation:** There is a city shuttle called "SA Trans Express" that leaves every 15-30 minutes from outside the baggage claim area at the San Antonio International Airport. The Menger Hotel is one of the first to be dropped off. Cost is \$18.00 one way or \$34.00 round trip. Taxi ranges from \$25.00 to \$30.00 and will charge a flat rate for one to three people.

**Hotel Description:** Along the walls of the main lobby, you'll see photos of some of the most prominent guests of the Menger Hotel, from President Theodore Roosevelt to baseball great Babe Ruth. Originally built in 1859 on the site of Texas' first brewery, this two-story 50-room hotel became so popular that a 3-story addition was quickly built to make room for eager guests and has been expanded several times since. Today the Menger Hotel is the oldest continuously operating hotel west of the Mississippi.

As a member of the Historic Hotels of America, you'll observe much of the architecture and artifacts from those early days inside the Menger Hotel, including priceless antiques and paintings, many of which were the personal selections of Mr. Menger, purchased during his trips to New York and Europe in the 1870s. Recently renovated to make our modern guests feel at home, the Menger remains an elegant landmark and historical destination in San Antonio.